IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10856 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

FOOD CORPORATION OF INDIA LTD

Versus

SHRAMIK SATHI MAZDOOR SAHKARI MANDALI LTD.

Appearance:

1. Special Civil Application No. 10856 of 2004

MR SS PANESAR for Petitioner No. 1

MR AR MAJMUDAR for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 24/09/2004

ORAL JUDGEMENT

1. RULE. Mr.A R Majmudar learned advocate waives service of rule on behalf of the respondent. With the

consent of learned counsel for the parties, the matter is taken up for hearing today.

2. Mr.S S Panesar learned advocate for the petitioner has contented that the trial Court has passed the impugned order, without assessing and arriving at any positive finding, as to whether the documents in question which were demanded for production, were relevant and material for the complete and effectual adjudication of the suit in question. He has submitted that the trial Court has not considered the relevancy of the said documents.

3. After hearing the learned counsel for the parties, it is directed that the matter be sent back for reconsideration for a limited purpose and the trial Court shall consider the documents that may be produced by the petitioner. The order of the trial Court is not disturbed. This direction has been issued only for the limited purpose that the trial Court shall consider the documents that may be produced by the petitioner as desired by the respondent. However, it is made clear that no further grievances shall be raised by the petitioner before the trial Court. With the aforesaid directions, the petition stands disposed of. Rule is made absolute to the aforesaid extent.

(K. S. Jhaveri, J.)

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